

DECISION



26764
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-213526

DATE: November 15, 1983

MATTER OF: Trident Industrial Products Corp.

DIGEST:

GAO does not review affirmative responsibility determination except in limited circumstances.

Trident Industrial Products Corp. protests the award of a contract to the low bidder under solicitation No. DLA-100-83-B-1083 issued by the Defense Logistics Agency (DLA) for 735,000 yards of woven fabric.

Trident contends that the low bidder is incapable of supplying the total amount of fabric within the delivery schedule specified in the solicitation.

We dismiss the protest.

Whether a prospective contractor is capable of meeting the delivery schedule in a solicitation is a matter of responsibility which must be determined in the affirmative by the contracting officer prior to award. Merchants Rent-A-Car, Inc., B-211934, June 15, 1983, 83-1 CPD 659. Our Office does not review a protest against an affirmative determination of responsibility unless there is a showing of fraud or bad faith on the part of procuring officials or that the solicitation contains definitive responsibility criteria which have not been applied. Bid Protest Procedures, 4 C.F.R. § 21.3(g)(4), added by 48 Fed. Reg. 1932 (1983); Merchants Rent-A-Car, Inc., supra. Neither exception applies here.

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Acting General Counsel

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